GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:297
ANSWERED ON:22.03.2017
Merger of Tribunals
Chinnaraj Shri Gopalakrishnan;P. Shri Nagarajan

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Union Government plans to merge the existing 36 tribunals in the country and bring down their number to 17 as recommended by the Indian Law Institute;
(b) if so, the details thereof and the time by which the plan is likely to be executed;
(c) whether the Government has consulted various Ministries under which the said tribunals are functioning in this regard and received their responses;
(d) if so, the details thereof; and
(e) the steps taken/proposed to be taken by the Government in this regard?

Answer

ANSWER
MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) OF THE LOK SABHA STARRED QUESTION NO.297 FOR 22.03.2017.
****

Mushrooming of Tribunals and their powers, privileges, functions and authority were critically examined by the Apex Court in its several judgments and also by the Law Commission in its various reports. The issue of merger/convergence of various Tribunals has been under consideration of the Government for quite some time. The matter was discussed at various levels including Indian Law Institute (ILI) and exhaustive study was undertaken for better laws and better governance. ILI in its report considered 36 Tribunals and after assessing the purpose, function and scope of all these Tribunals, recommended that the identified 36 Tribunals can be reduced to 17.

2. To further examine the report of the ILI, an Inter-Ministerial Group (IMG) under the chairmanship of Law Secretary was constituted which examined the merger/convergence of 36 Tribunals on three parameters of their (i) functional requirements; (ii) qualifications, and (iii) workload. Thereafter, a phased-wise Action Plan for the proposed merger of the aforesaid Tribunals including few other Tribunals and authorities was prepared in consultation with all the concerned administrative Ministries/Departments.

3. However, during the study undertaken on Merger/ Conversion of Tribunals, the number of Tribunals have been reduced by 5. The Company Law Board, Board for Industrial and Financial Reconstruction and Appellate Authority for Industrial and Financial Reconstruction have been subsumed into National Company Law Tribunal and National Company Law Appellate Tribunal and two Appellate Tribunals, namely the Appellate Tribunal for Prevention of Money Laundering

and Appellate Tribunal for Forfeited Property (NDPS) have been converged by providing for those appeals to be heard by the Appellate Tribunal under Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (SAFEMA) through the Finance Act, 2016. Further, Ministry of Water Resources has already introduced a Bill in the Lok Sabha to amend the Inter-State River Water Disputes Act, 1956 which inter-alia proposes to provide for a single standing Tribunal (with multiple benches) instead of multiple Tribunals.

4. To prevent duplicity, reduce burden on public exchequer, address multiplicity of agencies working in connection with Tribunals, rationalization and distribution of work as some of the Tribunals did not have sufficient work, delay in appointment and also facilitate 'ease of doing business', it has been proposed to merge/converge 17 Tribunals, Appellate Tribunals and other Authorities into 8 Tribunals, Appellate Tribunals or other Authorities (Annexure) by amending the respective laws through Finance Bill, 2017.
*****

(Annexure)
1. To merge Authority for Advance Ruling − Customs Excise and Service Tax with the Authority for Advance Rulings − Income Tax.

2. Competition Appellate Tribunal with the National Company Law Appellate Tribunals.

3. National Highways Tribunal with the Airport Appellate Tribunal.

4. Appellate Tribunal under Foreign Exchange Management Act, 1999 with the Appellate Tribunal under Smuggles and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

5. Railway Rates Tribunal with the Railway Claims Tribunal.

6. Cyber Appellate Tribunal and Airport Economic Regulatory Authority Appellate Tribunal with the Telecom Disputes Settlement and Appellate Tribunal.

7. Employees Provident Fund Appellate Tribunal with the Central Government Industrial Tribunal.

8. Copyright Board with the Intellectual Property Appellate Board.